



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

1875 Century Boulevard  
Atlanta, Georgia 30345

In Reply Refer To:  
FWS/R4/DH NRDAR

AUG 13 2015

#### Memorandum

To: Field Supervisors, Ecological Services Offices in: Panama City, Florida; Daphne, Alabama; Jackson, Mississippi; Lafayette, Louisiana; and Corpus Christi, Texas

From: Deputy *Deepwater Horizon* Department of the Interior Natural Resource Damage Assessment and Restoration (NRDAR), Case Manager *Debra L. McCl.*

Subject: Proposed Sea Turtle Early Restoration Project

As you are no doubt aware, on or about April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon* experienced an explosion, leading to a fire and its subsequent sinking in the Gulf of Mexico (the Gulf). These events resulted in the discharge of millions of barrels of oil into the Gulf over a period of 87 days. In addition, various response actions were undertaken in an attempt to minimize impacts from spilled oil. These events are hereafter collectively referred to as the Oil Spill.

The Department of the Interior (DOI), acting through the U.S. Fish and Wildlife Service (the Service) and other Bureaus, is a designated natural resource trustee agency authorized by the Oil Pollution Act of 1990 (OPA) and other applicable federal laws to assess and assert a natural resource damages claim for this Oil Spill. DOI is only one of several Trustees, including agencies in the State of Florida, so authorized. Consistent with their federal and state authorities, the Trustees are investigating the resource injuries and losses that occurred as a result of the Oil Spill and have initiated restoration planning to identify the actions that will be needed or appropriate to restore injured natural resources to make the public whole for injuries and losses that occurred. This process is known as a Natural Resource Damage Assessment (NRDA).

On April 20, 2011, DOI, National Oceanic and Atmospheric Administration (NOAA), and the Trustees for the five Gulf states affected by the Oil Spill entered into an agreement with BP, a responsible party for the Oil Spill, under which BP agreed to provide \$1 billion for early restoration projects in the Gulf to address injuries to natural resources caused by the Oil Spill. The subject project is being evaluated by the Trustees as a potential early restoration project. The early restoration project has been proposed in a draft early restoration plan that was released for public comment and review May 20, 2015. If the Trustees select the project after publication of the plan and consideration of public comment and a stipulated agreement is reached with BP, the early restoration project will be implemented by the National Park Service (NPS) and the U.S. Fish and Wildlife Service (USFWS) for DOI, NOAA, and the Texas Parks and Wildlife Department (TPWD).

As with other early restoration projects, we reviewed the proposed Sea Turtle Early Restoration Project for compliance with Section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). We determined the proposed project has been the subject of a number of consultations or permitting actions under the ESA. We have summarized these analyses in the attached ESA Biological Evaluation Forms for *Deepwater Horizon* Oil Spill Restoration (BE) and determined no additional consultation with U.S. Fish and Wildlife Service or National Marine Fisheries Service for the proposed project is necessary.

Within the BE forms, we have also reviewed the proposed project for impacts to bald eagles and migratory birds in accordance with the Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 U.S.C. 668-668c) and the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-712), respectively and we determined take would be avoided. These BE forms will also be submitted to NMFS in regards to Marine Mammal Protection Act (MMPA) of 1972, as amended (16 U.S.C. 1461 *et seq.*).

We are providing you with these Biological Evaluation Forms for your information and no concurrence is necessary. If you have questions or concerns regarding this documentation, please contact Ashley Mills, Fish and Wildlife Biologist, at 812-756-2712 or [ashley\\_mills@fws.gov](mailto:ashley_mills@fws.gov).

Attachments (5)

# Endangered Species Act Biological Evaluation Form

## Deepwater Horizon Oil Spill Restoration

### Fish and Wildlife Service & National Marine Fisheries Service

This form will be used to provide information for the initiation of informal Section 7 consultations under the Endangered Species Act, if required or to document a No Effect determination. In addition, information provided in this form may be used to inform other regulatory compliance processes such as Essential Fish Habitat (EFH), Marine Mammal Protection Act (MMPA), Section 106 of the National Historic Preservation Act (NHPA), Migratory Bird Treaty Act (MBTA), and Bald and Golden Eagle Protection Act (BGEPA). Further information may be required beyond what is captured in this form. Note: if you need additional space for writing, please attach pages as needed.

#### A. Project Identification

<i>Lead Agency</i>			
U.S. Fish and Wildlife Service/National Marine Fisheries Service		<i>Phone</i>	<i>Email</i>
<i>Agency Contact Person</i>		812-756-2712 and	Ashley_Buchanan@fws.gov and
Ashley Mills and Laurel Jennings		206-526-4601	Laurel.Jennings@noaa.gov
<i>I. Applicant Agency or Business Name</i>			
NOAA's National Marine Fisheries Service			
<i>II. Applicant Contact Person</i>		<i>III. Phone</i>	<i>Email</i>
Sara McNulty		(301) 427-8446	sara.mculty@noaa.gov
<i>IV. Project Name and ID# (Official name of project and ID number assigned by action agency)</i>			
Sea Turtle Early Restoration Project: Enhancement of the STSSN and Development of a Sea Turtle Emergency Response Plan			
<i>V. Project Type</i>			
Other			
<i>VI. NMFS Office (Choose appropriate office based on project location)</i>			
NMFS Southeast Regional Office			
<i>VII. FWS Office (Choose appropriate office based on project location)</i>			
Select Most Appropriate			

#### B. Project Location

<i>I. Physical Address of Project Site (If applicable)</i>	
The proposed project component would be implemented throughout the Gulf of Mexico in coastal areas in each of the five Gulf states (Texas, Louisiana, Mississippi, Alabama, and Florida). A portion of the project component would involve vessel surveys in response to emergency events in nearshore coastal waters.	
<i>II. State &amp; County/Parish of Project Site</i>	
Texas, Louisiana, Mississippi, Alabama, Florida coastal waters	
<i>III. Latitude &amp; Longitude for Project Site (Decimal degrees and datum [e.g., 27.71622°N, 80.25174°W NAD83] [online conversion: <a href="http://transition.fcc.gov/mb/audio/bickel/DDDMSS-decimal.html">http://transition.fcc.gov/mb/audio/bickel/DDDMSS-decimal.html</a>])</i>	
All coastal areas within the Gulf of Mexico	
<i>IV. Township, range and section of the project area</i>	
All coastal towns within the Gulf of Mexico	

**C. Description of Action Area**

1. Attach a separate map delineating where the action will occur. 2. Describe ALL areas that may be affected directly or indirectly by the Federal action and not merely the immediate project site involved in the action, or just where species or critical habitat may be present. Provide a description of the existing environmental conditions and characteristics (e.g., topography, vegetation type, soil type, substrate type, water quality, water depth, tidal/riverine/estuarine, hydrology and drainage patterns, current flow and direction), and land uses (e.g., public, residential, commercial, industrial, agricultural). 3. If habitat for species is present in the action area, provide a general description of the current state of the habitat. 4. Identify any management or other activities already occurring in the area. 5. Detailed map of the area of potential effect for ground disturbing activities if it is different from the project area

Enhancement of the Sea Turtle Stranding and Salvage Network would be implemented throughout the Gulf of Mexico on land and in the nearshore coastal waters of each of the five Gulf states (Texas, Louisiana, Mississippi, Alabama, and Florida), where strandings occur. All field work will occur on vessels in coastal areas, on beaches or shoreline that are accessible by foot, ATV/UTV, other vehicle, or vessel. The STSSN currently responds to strandings in the coastal areas of the Gulf of Mexico and this project would not expand the footprint of response, rather it will add staff positions and equipment to allow for a more coordinated response effort and improve data dissemination.

The Development of an Emergency Response Program will occur throughout the Gulf of Mexico, however efforts will be focused in Texas and Florida coastal environments where sea turtle cold stun events typically occur.

Sandy beach habitat throughout the action area is often used by the public while will result in more stranding reports, however strandings will occur anywhere along the coastline, therefore, the stranding response action area should be considered the entire Gulf of Mexico coastline.

a. *Waterbody*  
*(If applicable. Name the body of water, including wetlands (freshwater or estuarine), on which the project is located. If the location is in a river or estuary, please approximate the navigable distance from the project location to the marine environment.)*

The Gulf of Mexico and all coastal water bodies are considered to be part of the project area. While the majority of work associated with this project will occur on coastal beaches where strandings occur, or in locations where trainings may be held and data may be reviewed, there will be a portion of this project that includes vessel surveys in coastal areas looking for stranded sea turtles. The specific locations of those surveys have not been decided, but will likely occur in all five states over the duration of the project.

b. *Existing Structures*  
*(If applicable. Describe the current and historical structures found in the project area (e.g., buildings, parking lots, docks, seawalls, groynes, jetties, marina.)). If known, please provide the years of construction.*

Multiple existing structures are present along the shorelines of the Gulf of Mexico. None will be altered by the proposed project.

c. *Seagrasses & Other Marine Vegetation*  
*(If applicable. Describe seagrasses found in project area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the seagrasses in the project area.)*

This proposed project is not expected to interact with sea grasses or other marine vegetation. All in-water work will occur on the surface of the water through vessel surveys looking for stranded sea turtles.

d. *Mangroves*  
*(If applicable. Describe the mangroves found in project area. Indicate the species found (red, black, white), the species area of coverage in square footage and linear footage along project shoreline. Attach a separate map showing the location of the mangroves in the project area.)*

This proposed project is not expected to interact with mangroves. All in-water work will occur on the surface of the water through vessel surveys looking for stranded sea turtles.

e. *Corals*  
*(If applicable. Describe the corals found in project area. If a benthic survey was done, provide the date it was completed and a copy of the report. Estimate the species area of coverage and density. Attach a separate map showing the location of the corals in the project area.)*

This proposed project is not expected to interact with corals. All in-water work will occur on the surface of the water through vessel surveys looking for stranded sea turtles.

f. *Uplands*  
*(If applicable. Describe the current terrestrial habitat in which the project is located (e.g. pasture, forest, meadows, beach and dune habitats, etc.).*

Sandy beaches and other coastal habitat where sea turtle strandings occur.

## D. Project Description

I. *Construction Schedule (What is the anticipated schedule for major phases of work? Include duration of in-water work.)*

The proposed project does not include construction. The proposed project will be implemented for a 10-year period, and builds on several existing and well-established programs that are operated by federal and state agencies.

II. *Describe the Proposed Action: 1. What is the purpose and need of the proposed action? 2. How do you plan to accomplish it? Describe in detail the construction equipment and methods\*\* needed; permanent vs. temporary impacts; duration of temporary impacts; dust, erosion, and sedimentation controls; restoration areas; if the project is growth-inducing or facilitates growth; whether the project is part of a larger project or plan; and what permits will need to be obtained. 3. Attach a separate map showing project footprint, avoidance areas, construction accesses, staging/laydown areas. \*\*if construction involves overwater structures, pilings and sheetpiles, boat slips, boat ramps, shoreline armoring, dredging, blasting, or artificial reefs, list the method here, but complete the next section(s) in detail.*

**Enhancement of the Sea Turtle Stranding and Salvage Network and Development of a Sea Turtle Emergency Response Program**

This project component would include 1) NOAA's enhancement of the Gulf of Mexico STSSN beyond current capacities for 10 years, 2) Texas Trustees' enhancement of the STSSN within Texas beyond current capacities for 10 years, and 3) NOAA's establishment of a formal Sea Turtle Emergency Response Program within the Gulf of Mexico. This project component would improve response capabilities to quickly recover dead and injured sea turtles.

**NOAA's Enhancement of the Gulf-Wide Sea Turtle Stranding and Salvage Network**

NOAA would implement enhancements to the infrastructure of the Gulf of Mexico STSSN across all five states to enhance the capability for response, enhanced coordination, data handling and reporting, and streamlined data dissemination for use in conservation management programs. Participants in the Gulf-wide STSSN enhancement would include NOAA and the state STSSN coordinators for each of the five Gulf states. The enhancement would provide STSSN staffing positions across the Gulf-wide STSSN to improve response capabilities to recover dead or injured sea turtles and to handle and disseminate data for improved conservation management. The project would include one position in each of the five states, and three new positions hired by NOAA to focus on Gulf-wide STSSN coordination. The intent of the enhanced STSSN is to provide a more rapid response to unusual stranding events, allowing mortality sources to be identified and addressed more rapidly and solutions to be implemented where possible. For example, if unusual strandings or increased stranding levels are observed in a particular area, and necropsies of those animals indicate forced submergence or fishery interactions to be the likely cause, then that information would be shared with the GMT and federal and state law enforcement agencies (i.e. TPWD Law Enforcement) to better direct where outreach and education and enforcement efforts could be focused.

**Texas Trustees' Enhancement of the Sea Turtle Stranding and Salvage Network and Rehabilitation Efforts in Texas**

DOI and the Texas Trustees would provide additional enhancement of the STSSN within Texas by providing funding to STSSN partner organizations and rehabilitation providers to expand the capacity of the network. Stranded sea turtles in Texas are generally located during directed searches and as a result of reports from the public. Because much of the Texas coast is remote, difficult to access, and often requires a four-wheel drive vehicle or boat to retrieve stranded turtles, response times to stranded sea turtles can be lengthy. This proposed component would replace lost funding and expand the STSSN's capacity to find and rehabilitate injured and cold stunned turtles, thus increasing the number of live sea turtles being returned to the Gulf. Funding would go towards staffing, equipment, vehicles, and supplies. Participants supporting enhancement of the STSSN and rehabilitation efforts in Texas include NOAA, DOI, and TPWD as well as various NGOs and universities. NPS serves as the Texas state coordinator for the STSSN, with both state-wide and local responsibilities regarding sea turtle strandings on the Texas coast. NPS staff members from Padre Island National Seashore (PAIS) provide training and technical assistance to STSSN participants in Texas and maintain the records of Texas sea turtle strandings.

**Development of a Sea Turtle Emergency Response Program**

This project component would provide funding for NOAA to develop and implement a comprehensive Sea Turtle Emergency Response Program in the Gulf of Mexico to increase the STSSN's capacity for response during emergency events, with the objective of increasing the survival of sea turtles during emergency events. A significant gap exists in STSSN preparedness for response to emergency events that could potentially kill and/or injure large numbers of sea turtles. This project component would have a primary focus of creating a formal plan and necessary infrastructure (i.e. supplies and equipment) and a robust training program to allow for rapid response to cold stun events that may kill or injure large numbers of sea turtles. These events require search and rescue operations, triage, treatment, temporary holding, and eventual release of turtles. Secondly, the program would enhance capacity to respond to other emergency events such as hazardous weather events, oil spills, and harmful algal blooms. The program would work to increase response capacity by decreasing response times and increasing search areas during emergency events. Five MASH units and trailers would be purchased. Each contains twelve 500-gal tanks with filtration, UV filters, tents and setup equipment. This component would also include the use of contracts for vessel support during emergency events.

iii. *Specific In-Water Construction Methods (Provide a detailed account of construction methods. It is important to include step-by-step descriptions of how demolition or removal of structures is conducted and if any debris will be moved and how. Describe how construction will be implemented, what type and size of materials will be used and if machines will be used, manual labor, or both. Indicated if work will be done from upland, barge, or both.)*

a. *Overwater Structures (Place your answers to the following questions in the box below.)*

- i. *Is the proposed use of this structure for a docking facility or an observation platform?*
- ii. *If no, is this a fishing pier? Public or Private? How many people are expected to fish per day? How do you plan to address hook and line captures?*
- iii. *Use of "Dock Construction Guidelines"? <http://sero.nmfs.noaa.gov/pr/endangered%20species/Section%207/DockGuidelines.pdf>*
- iv. *Type of decking: Grated – 43% open space; Wooden planks or composite planks – proposed spacing?*
- v. *Height above Mean High Water (MHW) elevation?*
- vi. *Directional orientation of main axis of dock?*
- vii. *Overwater area (sqft)?*
- viii. *Use of "Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006"? <http://sero.nmfs.noaa.gov/pr/endangered%20species/Sea%20Turtle%20and%20Smalltooth%20Sawfish%20Construction%20Conditions%203-23-06.pdf>*

No construction is included as part of this project.

b. *Pilings & Sheetpiles (What type of material is the piling or sheetpiles? What size and how many will be used? Method used to install: impact hammer, vibratory hammer, jetting, etc.?)*

N/A

c. *Boat Slips (Describe the number and size of slips and if the number of new slips changes from what is currently available at the project. Indicate how many are wet slips and how many are dry slips. Estimate the shadow effect of the boats - the area (sqft) beneath the boats that will be shaded.)*

N/A

d. *Boat Ramp (Describe the number and size of boat ramps, the number of vessels that can be moored at the site (e.g., staging area) and if this is a public or private ramp. Indicate the boat trailer parking lot capacity, and if this number changes from what is currently available at the project.)*

N/A

- e. *Shoreline Armoring (This includes all manner of shoreline armoring (e.g., riprap, seawalls, jetties, groins, breakwaters, etc.). Provide specific information on material and construction methodology used to install the shoreline armoring materials. Include linear footage and square footage. Attach a separate map showing the location of the shoreline armoring in the project area.)*

N/A

- f. *Dredging or digging (Provide details about dredge type (hopper, cutterhead, clamshell, etc.), maximum depth of dredging, area (ft<sup>2</sup>) to be dredged, volume of material (yd<sup>3</sup>) to be produced, grain size of material, sediment testing for contamination, spoil disposition plans, and hydrodynamic description (average current speed/direction)).*

In some instances, the STSSN may need to dig in sandy beach environments to bury dead stranded sea turtle carcasses, in accordance with existing protocols and permit requirements.

- g. *Blasting (Projects that use blasting might not qualify as "minor projects," and a Biological Assessment (BA) may need to be prepared for the project. Arrange a technical consultation meeting with NMFS Protected Resources Division to determine if a BA is necessary. Please include explosive weights and blasting plan.)*

N/A

- h. *Artificial Reefs (Provide a detailed account of the artificial reef site selection and reef establishment decisions (i.e., management and siting considerations, stakeholder considerations, environmental considerations), deployment schedule, materials used, deployment methods, as well as final depth profile and overhead clearance for vessel traffic. For additional information and detailed guidance on artificial reefs, please refer to the artificial reef program websites for the particular state the project will occur in.)*

N/A



**F. Effects of the Proposed Project**

i. *Explain the potential beneficial and adverse effects to each species listed above (Describe what, when, and how the species will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects. If species are present (or potentially present) and will not be adversely affected describe your rationale. If species are unlikely to be present in the general area or action area, explain why. This justification provides documentation for your administrative record, avoids the need for additional correspondence regarding the species, and helps expedite review.)*

Effects of the proposed project have been fully analyzed in a series of permits or consultations. Below is a summary of these analyses.

The proposed project component would improve the infrastructure of the STSSN in the Gulf of Mexico, in all five states. The STSSN would operate under existing permit authorities, using established protocols. STSSN Enhancement would be ongoing for 10 years. The project component would involve the purchase of Mobile Sea Turtle Hospital units and trailers, as well as vehicles, which would require maintenance. Equipment and vehicles would be used throughout the Gulf of Mexico to achieve the program goals. All activities conducted through this project component would provide benefits to sea turtle species, both through improved capacity to respond to, triage, rehabilitation, and release sea turtles during cold stun and other stranding events, but also through improved investigation of causes of strandings to allow for better future management of threats to sea turtles.

The NMFS and USFWS share federal jurisdiction for the conservation and recovery of sea turtles. In accordance with the 1977 Memorandum of Understanding between NMFS and USFWS regarding roles and responsibilities for sea turtle conservation, protection and recovery, USFWS has lead responsibility on the nesting beaches and NMFS has lead responsibility in the marine environment. Sea turtle stranding response and rehabilitation has traditionally operated with a shared jurisdictional responsibility between the two agencies. NMFS has the primary coordination role to ensure that data are collected in a manner sufficient for management, monitoring, and research purposes and to facilitate its use to meet recovery objectives.

In the states of Texas, Louisiana, Mississippi, and Florida, the state wildlife agencies are authorized for on-land stranding response by USFWS under ESA Section 6 delegations of authority to respond to strandings within their states. These agencies subsequently authorize stranding responders, working under the State Coordinator, to respond to and document stranded turtles. In Alabama, USFWS issues ESA Section 10(a)(1)(A) permits directly to stranding responders. USFWS also codified regulations authorizing USFWS and NMFS personnel to respond to strandings on land, found at 50 C.F.R. §§17.21 and 17.31. NMFS has codified regulations authorizing the STSSN (Federal and state agencies, and their agents) to aid sick, injured, or dead sea turtles in the marine environment, found at 50 C.F.R. §222.310 (for endangered turtles) and 50 C.F.R. §223.206 (for threatened turtles). The STSSN currently responds to and documents sick, injured and dead sea turtles that are found in coastal areas under U.S. jurisdiction. The project component would not change the types of activities the STSSN is conducting, but would provide additional resources to enhance the capacity of the program.

Regulatory Authorities for Stranding Network Activities, for State Response Activities:

ii. *Explain the potential beneficial and adverse effects to critical habitat listed above (Describe what, when, and how the critical habitat will be impacted and the likely response to the impact. Be sure to include direct, indirect, interdependent, interrelated, connected actions, and cumulative impacts. Where possible, quantify effects (e.g. acres of habitat, miles of habitat). Describe your rationale if designated or proposed critical habitats are present and will not be adversely affected.*

Loggerhead critical habitat was designated in the Gulf of Mexico by USFWS and NMFS in 2012. This project would have no anticipated effect on loggerhead critical habitat.

**G. Actions to Reduce Adverse Effects**

I. *Explain the actions to reduce adverse effects to each species listed above (For each species for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

This project will be conducted as outlined in the existing permits and regulations to reduce adverse effects to sea turtles.

II. *Explain the actions to reduce adverse effects to critical habitat listed above (For critical habitat for which impacts were identified, describe any conservation measures (e.g. BMPs) that will be implemented to avoid or minimize the impacts. Conservation measures are designed to avoid or minimize effects to listed species and critical habitats or further the recovery of the species under review. Conservation measures are considered part of the proposed action and their implementation is required. Any changes to, modifications of, or failure to implement these conservation measures may result in a need to reinitiate this consultation.)*

N/A

**H. Effect Determination Requested**

*From the sections above, there should be enough detailed information to provide clear and obvious support for your determinations in the section below. If the rationale for the determination is not clear, additional information must be added to one of the sections. Identify if gulf sturgeon are in saltwater, estuarine, or in freshwater in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. gulf sturgeon CH - saltwater). Identify if sea turtles are in water or on land in your Species and/or Critical Habitat list to determine which federal agency will perform the analysis (e.g. Loggerhead sea turtle CH - terrestrial).*

SPECIES and/or CRITICAL HABITAT	DETERMINATION (see definitions below)
No new determinations are made and no new concurrences are	Select Most Appropriate
requested via this BE form as all effects have been addressed	Select Most Appropriate
via current and valid permits and consultations.	Select Most Appropriate
	Select Most Appropriate

NE = no effect. This determination is appropriate when the proposed action will not directly, indirectly, or cumulatively impact, either positively or negatively, any listed, proposed, candidate species or designated/proposed critical habitat.

NLAA = not likely to adversely affect. This determination is appropriate when the proposed action is not likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat or there may be beneficial effects to these resources. Response requested is "Concurrence." This conclusion is appropriate when effects to the species or critical habitat will be beneficial, discountable, or insignificant. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact, while discountable effects are those that are extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. If the Services concur in writing with the Action Agency's determination of "is not likely to adversely affect" listed species or critical habitat, the section 7 consultation process is completed.

LAA = likely to adversely affect. This determination is appropriate when the proposed action is likely to adversely impact any listed, proposed, candidate species or designated/proposed critical habitat. Response requested for listed species is "Formal Consultation". Response requested for proposed and candidate species is "Conference." This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable or insignificant. In the event the overall effect of the proposed action is beneficial to the listed species or critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination should be "is likely to adversely affect." Such a determination requires formal section 7 consultation and will require additional information.

JP = likely to jeopardize proposed species/adversely modify proposed critical habitat. For proposed species and proposed critical habitats, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the proposed species or adversely modify an area proposed for designation as critical habitat. If you reach this conclusion, a section 7 conference is required.

JC = likely to jeopardize candidate species. For candidate species, the Service is required to evaluate whether the proposed action is likely to jeopardize the continued existence of the candidate species. If this conclusion is reached, intra-Service section 7 conference is required.

**I. Bald Eagles**

Are bald eagles present in the action area?  NO  YES

If YES, the following conservation measures should be implemented:

1. If bald eagle breeding or nesting behaviors are observed or a nest is discovered or known, all activities (e.g., walking, camping, clean-up, use of a UTV, ATV, or boat) should avoid the nest by a minimum of 660 feet. If the nest is protected by a vegetated buffer where there is *no* line of sight to the nest, then the minimum avoidance distance is 330 feet. This avoidance distance shall be maintained from the onset of breeding/courtship behaviors until any eggs have hatched and eaglets have fledged (approximately 6 months).
2. If a similar activity (e.g., driving on a roadway) is closer than 660 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
3. If a vegetated buffer is present and there is no line of sight to the nest and a similar activity is closer than 330 feet to a nest, then you may maintain a distance buffer as close to the nest as the existing tolerated activity.
4. In some instances activities conducted within 660 feet of a nest may result in disturbance, particularly for the eagles occupying the Mississippi barrier islands. If an activity appears to cause initial disturbance, the activity shall stop and all individuals and equipment will be moved away until the eagles are no longer displaying disturbance behaviors.

If these measures cannot be implemented, then you must contact the Service’s Migratory Bird Permit Office.

Texas – (505) 248-7882 or by email: [permitsR2MB@fws.gov](mailto:permitsR2MB@fws.gov)

Louisiana, Mississippi, Alabama, Florida – (404) 679-7070 or by email: [permitsR4MB@fws.gov](mailto:permitsR4MB@fws.gov)

**J. Migratory Birds**

Identify the species anticipated in the project area and behaviors (breeding, roosting, foraging) anticipated during project implementation. You may list similar species on a single line and categorize by type (e.g., Wading birds - great blue heron, snowy egret, reddish egret). Use additional tables on the next page if needed.

*i.*

SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS
There are migratory birds found within the Gulf of Mexico	nesting, foraging, sheltering/roosting	<p>No impacts are anticipated to migratory birds. Stranding response will occur in nearshore waters and along the coastline of the Gulf of Mexico, but no interactions would be expected to occur.</p> <p>Stranding responders carefully avoid birds, and other wildlife on the beaches and do not approach nesting birds. Foraging or roosting birds would mediate their own exposure (i.e., move to suitable habitats within normal daily behavior patterns) to human and vehicle presence.</p> <p>Mitigation measures currently in place under the existing programs, such as providing information to workers on general awareness and means to avoid impacts to protected species and their habitats would minimize any potential impacts. In</p>

If species or habitat impacts could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized.

SPECIES/SPECIES GROUP	CONSERVATION MEASURES TO MINIMIZE IMPACTS

**Migratory Birds**

Continuation page if needed.

II.

SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS

If species or habitat impacts could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized.

SPECIES/SPECIES GROUP	CONSERVATION MEASURES TO MINIMIZE IMPACTS

III.

SPECIES/SPECIES GROUP	BEHAVIOR	SPECIES/HABITAT IMPACTS

If species or habitat impacts could occur, identify avoidance and minimization measures to prevent incidental take. Incidental take of Migratory Birds cannot be authorized.

SPECIES/SPECIES GROUP	CONSERVATION MEASURES TO MINIMIZE IMPACTS

**Pre-existing NEPA Documents**Yes  No 

Does this project have any pre-existing, site specific NEPA analysis? If YES, then provide final NEPA analysis, if not final then provide draft. If tiered from a programmatic EIS or EA, then provide the programmatic document or a link below.

NOAA EA for the existing regulations that allow NMFS, USFWS, states and the STSSN to aid sick, injured and entangled sea turtles in the mari

**NMFS ESA §7 Consultation**

We request that all ESA §7 consultation requests/packages be submitted electronically to:

**Laurel.Jennings@noaa.gov**. Questions about consultation status may be directed to the same email address or by phone, 206-526-4601 or 206-794-4761 (cell).

**FWS ESA § 7 Consultation**

We request that all consultation requests/packages to FWS be submitted electronically to:

**Ashley\_Buchanan@fws.gov**. You will be notified when we receive your Biological Evaluation. Upon receipt, we will conduct a preliminary review and provide any comments and feedback, including any requests for modifications or additional information. If modifications or additional information is necessary, we will work with you until the Biological Evaluation form is considered complete. Once complete, we will send your Biological Evaluation to the appropriate Field Office to conduct consultation. If you have questions about consultation status, please contact Ashley Mills by phone 812-756-2712 or email Ashley\_Buchanan@fws.gov.

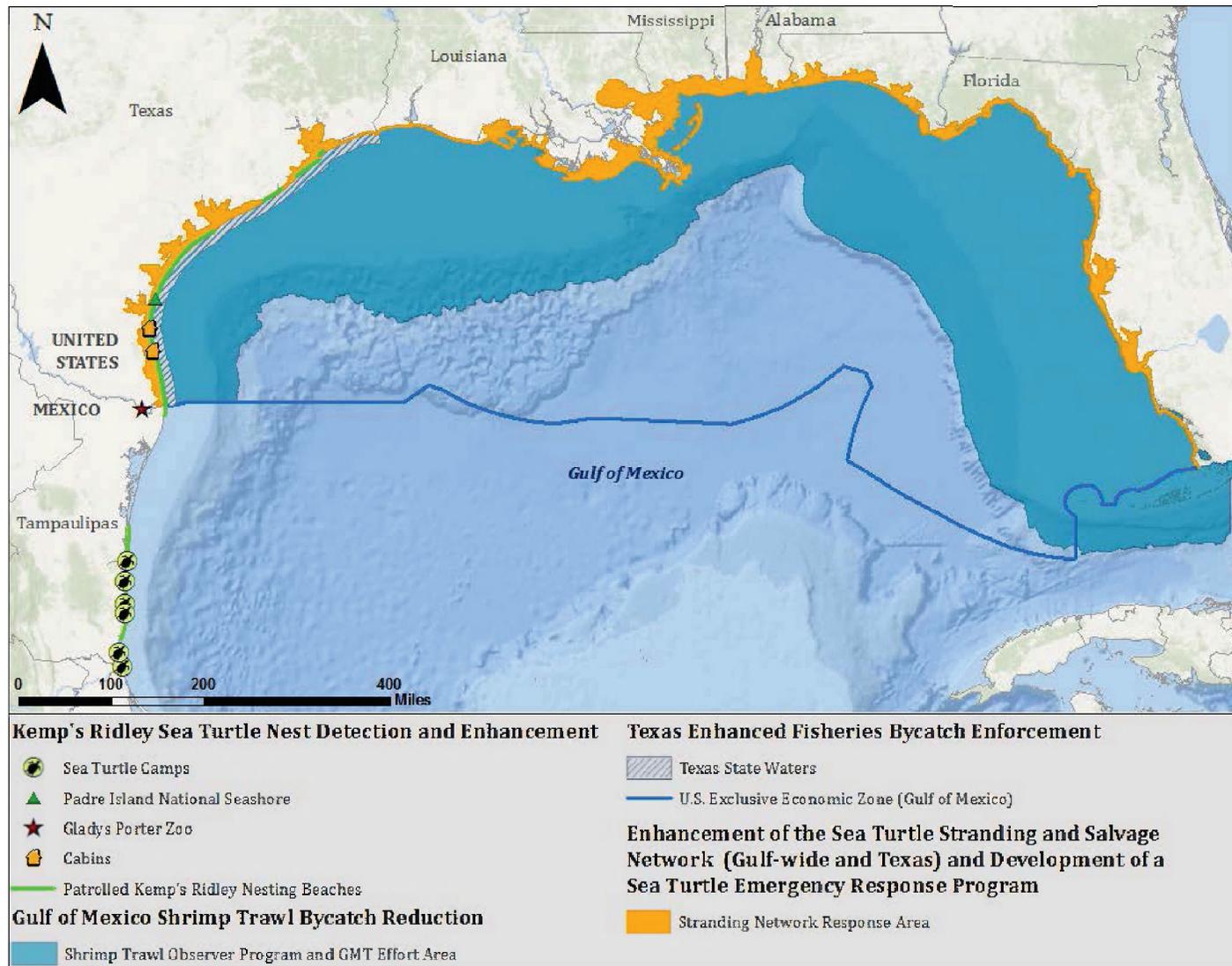
Name of Person Completing this Form:

Sara McNulty

Name of Project Lead:

Date Form Completed:

06/16/2015



Geographic area of the proposed Phase IV Sea Turtle Early Restoration project

## **Gulf of Mexico Sea Turtle Stranding and Salvage Network Enhancement and Development of a Disaster Response Program Component**

### **1.1 Project Summary**

This project component would enhance the Sea Turtle Stranding and Salvage Network (STSSN) beyond current capacities for 10 years and develop a formal Disaster Response Program within the Gulf of Mexico (GOM). Enhancement of the GOM STSSN and development of a Disaster Response Program will improve response capabilities to quickly recover dead and injured sea turtles. The goal of this project component is to increase the STSSN's capacity for response and data gathering, and to increase the survival rate of live stranded sea turtles, particularly during cold stun events.

#### **1.1.1 Background Project Description**

The STSSN was formally established in 1980 to collect information on and document strandings of sea turtles along the U.S. GOM and Atlantic coasts. Sea turtle strandings are defined as animals that wash ashore, dead or alive, or are found floating dead or alive (generally in a weakened condition). The STSSN includes federal, state and private partners, and is coordinated by NOAA's National STSSN Coordinator. Additionally, each state has an established STSSN State coordinator, who coordinates stranding response within their state. The project component funding will improve the infrastructure of the STSSN to enhance the capability for response and data dissemination, including enhanced coordination of the GOM STSSN across all five states, enhanced data handling and reporting, and streamlined data dissemination for use in conservation management programs. This project component will provide eight new staffing positions within the STSSN in the GOM to improve response capabilities to quickly recover dead or injured sea turtles. One new position will be hired in each of the five states to enhance response and data handling capabilities, and three new positions will be hired by NOAA to focus on Gulf-wide STSSN coordination and training. Enhancement of the STSSN will result in more rapid response to unusual stranding events such that mortality sources can be identified and addressed more rapidly and solutions implemented where ever possible. For example, if unusual strandings or stranding levels are observed in a particular area, and necropsies of those animals indicate forced submergence or fishery interactions to be the likely cause, that information will better inform where the Gear Monitoring Team project component should focus outreach and education efforts or where bycatch enforcement efforts should be focused.

Stranded turtles found will be documented on a standardized STSSN stranding form. Dead stranded sea turtles will be necropsied in the field or transported to freezer storage for later laboratory necropsy and sample collection, depending on their condition code. Live stranded turtles will be collected and transported to rehabilitation.

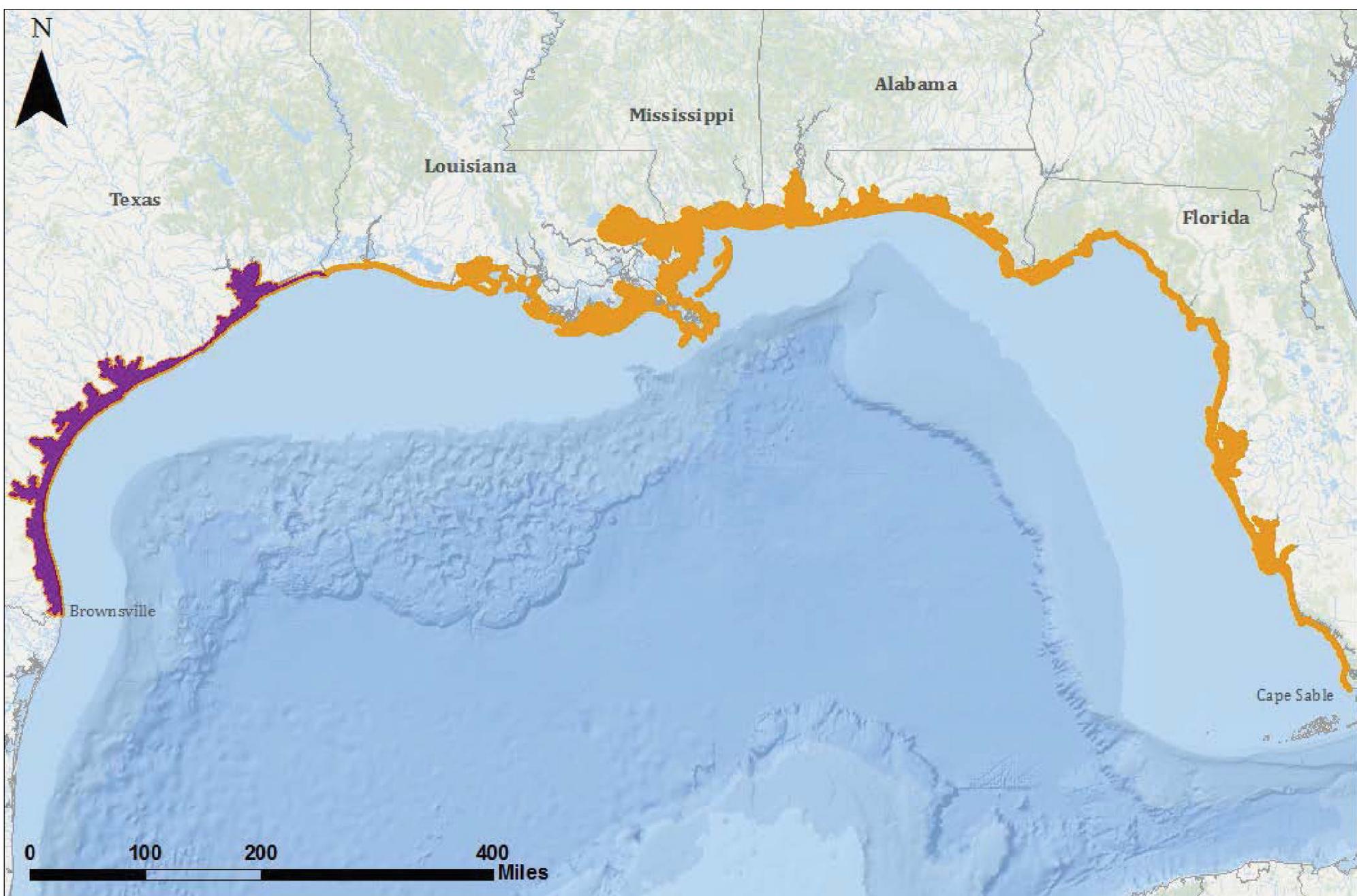
Participants in the Gulf-wide portion of the STSSN enhancement project component include NOAA and the state STSSN coordinators for each of the five Gulf states. The agencies that serve in the state coordinator role include the Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service (FWS), NOAA, Louisiana Department of Wildlife and Fisheries, and the National Park Service (NPS).

Participants in the Texas portion of the STSSN enhancement project component include NOAA's Galveston Lab, Texas A&M University at Galveston (TAMUG), FWS, the University of Texas at Austin, Animal Rehabilitation Keep (ARK), NPS, Sea Turtle, Inc. (STI), and TPWD with DOI and NOAA coordinating stranding and rehabilitation efforts. TPWD, NOAA, and TAMUG respond to strandings on the upper Texas coast from Matagorda Bay north. TPWD, ARK, NPS, and STI respond to strandings on the lower

Texas coast. FWS responds to strandings at the San Bernard National Wildlife Refuge (NWR) and the Aransas NWR complex, including Matagorda Island NWR. Rehabilitation is conducted by the NOAA lab in Galveston, the ARK, Sea Turtle, Inc., and TPWD staff. NPS staff at Padre Island National Seashore (PAIS) serve as the Texas Coordinator for the STSSN, with both state-wide and local responsibilities regarding sea turtle strandings on the Texas coast. PAIS staff members provide training and technical assistance to STSSN participants in Texas and maintain the records of Texas sea turtle strandings.

This project component will replace lost funding in Texas and expand the capacity to find and protect stranded turtles, resulting in more turtles being found, transported to rehabilitation, and released. Stranded turtles are generally located during directed searches and as a result of reports from the public. Because much of the Gulf coast is remote, difficult to access, and often requires a four-wheel drive vehicle or boat to retrieve stranded turtles, response times to stranded sea turtles may be lengthy. To help increase the number of successfully rehabilitated turtles, a public awareness and education program will be initiated to encourage the public to report turtle strandings. The education program will use signs, pamphlets, and public service announcements to improve the number of reported strandings. This project component includes the funding of the location and documentation of stranded sea turtles on gulf coast of Tamaulipas, Mexico. Working through Gladys Porter Zoo relationships with conservation scientists in Mexico, funding will be provided for patrols from five established base camps located in Tepehuajes, Rancho Nuevo, Barra del Tordo, Altamira and La Pesca.

This project component also involves the development and implementation of a comprehensive sea turtle disaster response program in the GOM. A significant gap exists in STSSN preparedness for response to disaster events that potentially kill and/or injure large numbers of sea turtles. This project component will have a primary focus of creating a formal plan and necessary infrastructure (i.e. supplies and equipment) and a robust training program to rapidly respond to cold stun events that kill or injure large numbers of sea turtles. These events require search and rescue operations and the triage, treatment, temporary holding, and eventual release of turtles. Secondarily, the program will enhance capacity to respond to other disaster events such as hazardous weather events, oil spills, and harmful algal blooms. The program will work to increase response capacity in two ways, decreasing response times and increasing search areas during disaster events. Five Mobile Aquatic Sea Turtle Hospital (MASH) units and trailers will be purchased. Each contains twelve 500-gal tanks with filtration, UV filters, tents and setup equipment. This component will also include the use of contracts for vessel support during events.



**Enhancement of the Sea Turtle Stranding and Salvage Network (Gulf-wide and Texas) and Development of a Sea Turtle Emergency Response Program**

- █ Gulf-wide STSSN Response Area
- █ Texas STSSN Response Area

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